

REMARKS

The Amendments

The claims are amended to address the objections in the Office Action and correct other antecedent and informality issues. The amendments do not narrow the scope of the claims and/or were not made for reasons related to patentability. The amendments should not be interpreted as an acquiescence to any objection or rejection made in this application.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Restriction Requirement

The Restriction Requirement is believed to be rendered moot by the cancellation of the non-elected claims.

The Claim Objections

It is believed that the claim objections are overcome by the above amendments or the previous amendments. It is noted that the claims had previously been amended by a Preliminary Amended filed concurrently with the application which eliminated the multiple dependency of the claims. This is reflected in the claim set presented above.

The Objection to Claims 14 and 15 under 37 C.F.R. §1.75(c)

Claims 14 and 15 are amended in a manner believed to overcome the objection under 37 C.F.R. §1.75(c). Instead of depending directly from claim 1, these claims now are depend on particularly stated features of claim 1. It should now be evident that the home appliance automation methods of claims 14 and 15 are provided by action of e-mail communication as described in claim 1.

The Rejection under 35 U.S.C. §102

The rejection of claims 1-3 and 9-10 under 35 U.S.C. §102, as being anticipated by Ho (U.S. Patent No. 5,805,298) is respectfully traversed.

Ho in Figure 1 discloses components that could be considered to be a sender application [box 100] comprising a processing means attached to a modem connected via the PSTN [box 106] to a second modem attached to a second processing means [boxes 107 to 112]. The Ho apparatus requires routing of e-mail communications via the Internet [box 112].

Ho fails to disclose a method for establishing e-mail communication and sending e-mail through a PSTN "without the need of being connected to the Internet." Compare the quoted recitation in claim 1; see also page 1, lines 9-11, of applicants' specification. Ho fails to disclose or suggest a method or system whereby a sender can send email to a receiver directly without any other recipient exclusively along a PSTN without routing via the Internet. By contrast, Ho requires the Internet [box 112] to perform email communication between two devices or users [box 100, box 104, box 105]; see, e.g., Fig. 1. See also, col. 3, lines 43-47 and 61-63, of Ho stating that a "Router typically transmits and receives electronic mail messages" and that "Remote Mail Servers, seen at 110-111, each implement electronic mail boxes of the type seen at 104-105 to receive electronic mail messages." In describing the functioning of the device, Ho states that upon identifying an email address "the communications device establishes a SLIP/PPP connection with the Router 107." As shown in Fig. 1, the Router and Remote Mail Servers are entities connected to the Internet. Figure 3 of Ho further shows that an email [box 304] is sent via the Internet [box 312]. Applicants, thus, respectfully disagree with the statement in the Office Action that Ho teaches a method for establishing e-mail communication without the need of being connected to the Internet. Ho only discloses that facsimiles – not email – can be sent directly through the PSTN. It is quite clear that Ho only contemplates the use of the Internet to transmit e-mail messages between devices. Thus, Ho neither discloses or suggests the method of the present invention, where the message is not sent over the internet, but is sent point-to-point through the PSTN. For at least these reasons, Ho fails to anticipate the instant claims and the rejection under 35 U.S.C. §102 should be withdrawn.

Ho also gives no suggestion of modifying its methods/system to provide email communication exclusively between two users or devices using the PSTN without need of the Internet. As known by one of ordinary skill in the art, transmission via the Internet is inherently insecure because data is not routed directly between the sender and the recipient. It is known that data sent through the Internet can be intercepted and recorded by servers in countries which do not maintain relevant privacy laws. The present invention offers a secure method of sending email the advantages of which could not have been expected in view of Ho. Other advantages of the claimed invention are discussed, for example, at page 6, line 18, to page 7, line 9, and elsewhere in the disclosure. There is no incentive to arrive at the present invention from Ho. Ho fails to give any hint to direct PSTN emailing and no solution to the problem of providing secure transmission of data between two parties. Thus, Ho clearly also fails to provide the basis for rejection of the claims under 35 U.S.C. §103.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: DCLERC-0003

Date: September 14, 2006
JAS:blb

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